

Notice of Allowability

Application No.

10/050,524

Examiner

Paul B. Prebilic

Applicant(s)

VARDI ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to December 15, 2004.
2. ☒ The allowed claim(s) is/are 23,24 and 27-29.
3. ☒ The drawings filed on 23 April 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>9/22/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michele Frank on January 19, 2005.

The application has been amended as follows:

Claims 25 and 26 were cancelled.

23. (Currently Amended) A method of deploying a stent apparatus in a bifurcated vessel, the bifurcated vessel comprises a main vessel having an ostium leading into a branch vessel, the method comprising:

providing a main stent, which has a proximal end, a distal end and a side opening between the proximal and distal ends, on a first catheter, ~~wherein the main stent comprises a tubular member having a substantially constant diameter along its longitudinal axis;~~

advancing said first catheter via a first guidewire into the main vessel so that said side opening is substantially aligned with the ostium leading into the branch vessel;

expanding said main stent in its position;

removing said first catheter;

advancing via a second guidewire disposed in the branch vessel a second catheter, having a flareable stent in a state of compression, wherein said flareable stent

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comprises a proximal end and a distal end, and wherein said proximal end comprises a flareable portion initially in an unflared configuration;

positioning said second catheter within the branch vessel so that said proximal end of said flareable stent extends into the main vessel;

positioning said flareable stent with respect to the ostium by at least allowing said flareable portion in said unflared configuration to be flared radially; and

expanding said flareable stent in the branch vessel to deploy said flareable stent in its position within the branch vessel, wherein said second guidewire is introduced simultaneously with said first catheter and said main stent.

Information Disclosure Statement

The information disclosure statement filed September 22, 2004 failed to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. In particular, a compact disc (CD) submission does not comply with 37 CFR 1.98 because CD's are only acceptable for software program listings, sequence listings, and tables; see 37 CFR 1.98(e)(1). For this reason, a CD is not an acceptable form for filing copies of patents or publications. It is noted that the information disclosure statement was filed before the new provisions of 37 CFR 1.98(a)(2) came into effect so a copy of each US Patent and US Patent application publication was still required; the effective for the amended rule was October 21, 2004. Nonetheless, the Examiner did consider all the US Patents cited using optical character recognition software available in image file wrapper software. However, this software

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did not work for US Patent publications or any other documents so they were not considered.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Paul B. Prebilic whose telephone number is (571) 272-4758. He can normally be reached on 6:30-5:00 M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, McDermott Corrine can be reached on 571-272-4754. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paul Prebilic
Primary Examiner
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